

Remarks

Claims 9-34 are now pending in this application. Applicants have cancelled claims 1-8 and presented new claims 9-34 to clarify the present invention. Applicants respectfully request favorable reconsideration of this application.

With respect to the priority of this application. This application is the national phase of a PCT application which does not claim priority from any national application. Therefore, there is no foreign priority in this case.

The Examiner objected to the drawings as including solid black shading in Figs. 3 and 5-7B. Applicants submit herewith under separate cover replacement drawings wherein the solid shading has been removed from these figures. Applicants respectfully request approval of the drawings and withdrawal of the objection to the drawings.

Applicants have cancelled the abstract and present a new abstract of the disclosure herewith on a separate sheet. Accordingly, Applicants respectfully request withdrawal of the objection to the abstract.

Applicant has amended the specification to insert section headings and has eliminated legal terminology. Accordingly, Applicants respectfully request withdrawal of the objection to the disclosure.

The Examiner rejected claims 1-8 under 35 U.S.C. § 112, second paragraph. Applicants have cancelled claims 1-8 and presented new claims 9-34, which lack the language objected to by the Examiner. Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

The Examiner rejected claims 1-8 under 35 U.S.C. § 102(e) as being anticipated by U.S. patent 6,652,194 to Ingle. Ingle does not disclose the present invention as recited in newly presented independent claim 9 since, among other things, Ingle does not disclose a method for operating a maritime unit that includes actuating the legs of the maritime unit with a brake disk system that includes one or more brake flanges and at least two brake shoe elements. Rather, Ingle discloses a method that includes operating a system that includes toothed racks and corresponding rack engagement members. The system disclosed by Ingle includes complicated and expensive machined structures. Also, Ingle discloses a system that requires separate unclamping piston/cylinder units provided with compression springs. The springs together with the piston/cylinder units make movement of the feet possible. Therefore, Ingle does not disclose the present invention as recited in newly presented independent claim 9 or claims 10-17, which depend therefrom.

It follows that Ingle does not disclose the present invention as recited in newly presented independent claim 18, which recites a maritime unit that includes a brake disk system that includes one or more brake flanges and at least two brake shoe elements, or claims 19-34, which depend therefrom.

In view of the above, Ingle does not disclose all elements of the present invention as recited in newly presented claims 18-34. Since Ingle does not disclose all elements of the present invention as recited in newly presented claims 18-34, the present invention, as recited in claims 18-34, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (C.A.F.C. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

In view of the above, the reference relied upon in the office action does not disclose patentable features of the present invention. Therefore, the reference relied upon in the office action does not anticipate the present invention. Accordingly, Applicants respectfully request withdrawal of the rejections based upon the cited reference.

In conclusion, Applicants respectfully request favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would advance the prosecution of this case, Applicants urge the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: 10/10/06


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